

February 22, 1996 LB 645

SENATOR CHAMBERS: It could be a janitor or a...or anybody who works for...

SENATOR ABBODD: Well, let's just say...

SENATOR CHAMBERS: ...a law enforcement person.

SENATOR ABBODD: ...let's just say it's probably a clerical person, not a janitor.

SENATOR CHAMBERS: But it could be a janitor who picks up some of this material and does something with it that may not should be done. That person, if he or she acted in good faith, would be immune from liability for that, under this language, wouldn't he or she?

SENATOR ABBODD: We could...or employee of the state, how's that?

SENATOR CHAMBERS: Okay. Now, Senator Abboud, would you be opposed to adding a statement that this language is not intended to create immunity in the case of negligent acts? And I'll tell you why I say that. As you know, the definition, the legal definition of negligence is the failure to exercise due care. That means you, based on your position, your responsibilities and so forth, and the circumstances involved, are required, under the law, to do certain things. You fail to do those things, you're negligent. Is it your intent, by this language dealing with immunity from liability, to say that if law enforcement people are negligent, if their employees are negligent, if state officials, whoever they be, that includes us, are negligent, they're immune from liability if as a result of their negligent conduct they have caused somebody to be mislabeled or falsely labeled?

SENATOR ABBODD: Well, the language provides that we're dealing with law enforcement agencies.

SENATOR CHAMBERS: No, no, we're not. The immunity goes to everybody. The stat...the immunity clause is much broader than anything that we've talked about so far.

SENATOR ABBODD: Right. I was going to continue on, Senator